

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM
JUL 1-7 2005

CASE NO. CR-05-00005-001

DATE: 07/07/2005

MARY L. M. MORAN
CLERK OF COURT
(54)

HON. ROBERT M. TAKASUGI, Designated Judge, Presiding

Law Clerk: NONE PRESENT

Court Reporter: Wanda Miles

Courtroom Deputy: Virginia T. Kilgore

Hearing Electronically Recorded: 10:12:55 - 10:26:20

CSO: F. Tenorio

***** APPEARANCES *****

DEFT: YU MAN YEN aka KEE SANG JOFFRE

ATTY: JOHN GORMAN

CHEN aka TAI FAT LEE

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

(X) PRESENT (X) CUSTODY () BOND () P.R.

U.S. ATTORNEY: RUSSELL STODDARD

AGENT: EUGENE COX, U.S. SECRET SERVICE

U.S. PROBATION: STEVE GUILLIOT

U.S. MARSHAL: S. LUJAN

INTERPRETER: CHUNG HARRELL, Previously sworn

LANGUAGE: Chinese Mandarin

() ARGUMENT FOR A DOWNWARD DEPARTURE BY THE GOVERNMENT DEFENSE GRANTED
COURT DEPARTS TO A LEVEL FROM A LEVEL

() ARGUMENT FOR AN UPWARD DEPARTURE BY THE GOVERNMENT DEFENSE

() COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level:

Total offense level:

Criminal History Category:

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Requested the Court to sentence defendant to a term of time served (approximately 5 months).

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Requested the Court to take into consideration the information given by defendant and the amounts used in determining the limits of the credit cards which is minimal.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

- (X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 14 MONTHS.
- () COURT RECOMMENDATION TO THE BUREAU OF PRISONS AT _____.
- (X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF THREE YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS PURSUANT TO 18 U.S.C. § 3583(d), AND WITH THE ESTABLISHED PROCEDURES PROVIDED BY THE IMMIGRATION AND NATURALIZATION ACT UNDER 8 U.S.C. § 1101. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, THE DEFENDANT SHALL REMAIN OUTSIDE AND SHALL NOT RE-ENTER THE UNITED STATES WITHOUT THE PERMISSION OF THE ATTORNEY GENERAL. IF DEPORTATION FAILS TO OCCUR AND THE DEFENDANT IS RELEASED FROM CONFINEMENT PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.
2. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
3. DEFENDANT SHALL OBEY ALL FEDERAL, STATE AND LOCAL CRIMES.
4. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE.
5. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
6. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES; AND SHALL SUBMIT TO ONE (1) URINALYSIS TEST WITHIN 15 DAYS AFTER SENTENCING AND, TO TWO MORE URINALYSIS TESTS WITHIN SIXTY (60) DAYS THEREAFTER.
7. DEFENDANT SHALL REFRAIN FROM THE USE OF ALCOHOL AND SUBMIT TO ALCOHOL TESTING AS APPROVED BY THE U.S. PROBATION OFFICE.
8. DEFENDANT SHALL MAINTAIN GAINFUL EMPLOYMENT.
9. DEFENDANT SHALL PERFORM 400 HOURS OF COMMUNITY SERVICE AS APPROVED BY THE U.S. PROBATION OFFICE.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$100.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

PURSUANT TO SECTION 5E1.2(f) OF THE GUIDELINE RANGE, ALL FINES ARE WAIVED SINCE IT HAS BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS. DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL.

TIME ENDED: 10:26 A.M.